

REMARKS

The Examiner has rejected claims 1-3, 6-12, and 14-20. The Examiner has objected to claims 4 and 13. Currently pending in the case are claims 1-4 and 6-20. Claim 5 was cancelled in an amendment faxed on 20-June-2003.

The Examiner has rejected claims 1, 6-14, and 17-20 under 35 U.S.C. 102(b) as being anticipated by Matsuoka et al. (U.S. 5,848,530). The Examiner asserts that "Matsuoka discloses a method and apparatus for controlling the starting of an internal combustion engine..., the method comprising: increasing an electrical load on an electrical generator (e.g., 9) that is driven by the engine (1) (e.g., see Figure 2)." Applicants traverse the Examiner's assertion. Applicants submit that element 9 is an alternator (generator in Applicant's nomenclature). The only reference that Matsuoka et al. make to the alternator is in Column 7, lines 52-26: "A battery (power source) 6 mounted on the vehicle is electrically charged with the electric power generated by the alternator 9. The alternator 9 incorporates a circuit for controlling the amount of electricity generated." In essence, Matsuoka et al. describe normal operation of a vehicular power generation system. Matsuoka et al. do not recognize Applicants' "increasing an electrical load on an electrical generator."

The Examiner has also asserted that Matsuoka further discloses: "throttling an air intake of the engine to reduce an intake manifold pressure to a target pressure...(e.g., see col. 10, lines 15-67; col. 11, lines 1-5)." Applicants traverse the Examiner's assertion. In the passage cited by the Examiner, the following references to the throttle are made: "The engine is determined to be decelerating when the fully closed state of the throttle valve 22 is detected by the idling detecting switch 25 provided for the throttle valve 22" in lines 19-22 and "[t]he engine is determined to be in the idling condition when the fully closed state of the throttle valve 22 is detected by the idling detecting switch 25 provided for the throttle valve 22" in lines 45-48. Matsuoka et al. use the state of the throttle valve 22 to determine the condition at which the engine is operating. This is in contrast to Applicant's invention claimed in claim 1, which shows: "throttling an air intake of the

engine to reduce an intake manifold pressure to a target pressure." Nowhere do Matsuoka et al. recognize, suggest, or show such operation in which a target pressure of the intake manifold is reduced by throttling an air intake.

Applicants' independent claim 9 includes: "an engine controller, the controller increasing an electrical load on the electrical generator, the control further closing, partially, the throttle valve." Matsuoka, et al. do not show or suggest having an engine controller "increasing an electrical load on the electrical generator." Furthermore, Matsuoka, et al. do show "closing the throttle valve." Instead, Matsuoka, et al. detects the position of the throttle valve. Similarly, independent claim 17 contains the limitation "increasing an electrical load placed on the electrical generator; and losing, partially, the throttle valve." Again, Matsuoka, et al. do not show all claim limitations of claim 17.

Because Matsuoka, et al. do not show all of Applicants' limitations in claims 1, 9, and 17, Applicants' respectfully request that the rejection to claims 1, 9, and 17 be withdrawn. Furthermore, Applicants additionally request that the Examiner's rejection of claims 2-4, 6-8, 10-16, and 18-20, which depend from one of claims 1, 9, and 17, also be withdrawn.

The Examiner has rejected claims 1, 3, 8-12, and 17-20 under 35 U.S.C. 102(b) as being anticipated by Yoshizaki et al. (U.S. 5,966,931). The Examiner alleges that Yoshizaki et al. disclose: "throttling an air intake of the engine to reduce an intake manifold pressure to a target pressure... (e.g., see col. 11, lines 24-40)." Applicants disagree with the Examiner. In the passage referenced by the Examiner, the only reference to the throttle is "the electric power for maintaining the temperature of the EHC 11 may be supplied at intervals when the idle operation of the engine (the operation of the engine with a throttle valve fully closed) continues for more than a period determined in accordance with the ambient temperature." In this passage, Yoshizaki, et al. are not suggesting that the throttle valve position be changed. Instead, Yoshizaki et al. state that the "electric power... may be supplied... when the idle operation of the engine... continues." Nowhere do Yoshizaki et al. suggest throttling an air intake. Because Yoshizaki et al. do not show each limitation of Applicants' claim 1, Applicants submit that Yoshizaki et al. cannot

possibly anticipate Applicants' claim 1. Applicant respectfully request withdrawal of the rejection on claim 1. Furthermore, Applicants submit that claim 9, which has the limitation: "the controller further closing, partially, the throttle valve" and claim 17, which has the limitation: "closing, partially, the throttle valve" are also not anticipated by Yoshizaki et al. Applicants respectfully request that rejections to claims 9 and 17 be withdrawn. Applicants further request that rejections to claims 2-4, 6-8, 10-16, and 18-20, which depend from one of claims 1, 9, or 17, also be withdrawn.

The Examiner has rejected claims 1 and 15-16 under 35 U.S.C. 103(a) as being unpatentable over both Matsuoka and Yoshizaki in view of Taniguchi (U.S. 5,716,586). As stated above, neither of Matsuoka and Yoshizaki show Applicants' limitation of claim 17 "closing, partially, the throttle valve" or Applicants' similar limitations found in claims 1 and 9. Within the Taniguchi patent, no reference is made to a throttle valve or closing a throttle valve. Thus, even if combination of Matsuoka with Taniguchi or Yoshizaki with Taniguchi were proper, neither combination of the references show all of Applicants' limitations of claims 1 or 9. Because not all of Applicants' limitations are shown, the combinations cannot possibly render Applicants' claims 1 or 9 obvious. Claim 2, which depends from claim 1 and claims 15-16, which depend from claim 9, also cannot be rendered obvious by the combinations. Thus, Applicants request that rejections of claims 2 and 15-16 be withdrawn.

No other art is cited in the Office Action. Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No.06-1505.

Respectfully submitted,

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